

BRIAN J. STRETCH (CSBN 163973)
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACQUELINE FROEHLICH-
L'HEUREAUX,

Defendant.

No. CR 07-0337 MHP
[Filed May 30, 2007]

SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK JACOBSON,

Defendant.

No. CR 07-0568 MHP
[Filed August 31, 2007]

SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID NOSAL and
BECKY CHRISTIAN,

Defendants.

No. CR 08-0237 JSW
[Filed April 10, 2008]

**NOTICE OF RELATED CASE
IN A CRIMINAL ACTION**

SAN FRANCISCO VENUE

NOTICE OF RELATED CASE
CR 07-0337 MHP

1 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the
2 Court that the three above-captioned criminal cases are related. The more recent charges filed on
3 April 10, 2008 in case CR 08-0237 JSW (see Attachment) involve two individuals alleged to
4 have been involved in the same alleged events and occurrences as the defendants charged in the
5 Informations in case CR 07-0337 MHP (Froehlich-L'Heureaux) and CR 07-0568 MHP
6 (Jacobson) now pending before The Honorable Marilyn Hall Patel. This Court previously found
7 the Jacobson case (which initially had been assigned to The Honorable Maxine M. Chesney) to
8 be related to the Froehlich-L'Heureaux case. See CR 07-0568 MHP, docket entry 3 (related case
9 finding); *see also* CR 07-0337 MHP, docket entry 11 (related case finding).

10 The Informations in case CR 07-0337 MHP (Froehlich-L'Heureaux) and CR 07-0568
11 MHP (Jacobson) relate to those defendants' participation in a conspiracy (1) to gain unauthorized
12 access and exceed authorized access to the computer systems of Korn/Ferry International; (2) to
13 traffic in a Korn/Ferry International password; and, with respect to Jacobson, (3) to
14 misappropriate, receive, possess, and transmit trade secrets.

15 Similarly, the Indictment in the newly filed case CR 08-0237 JSW relates to the
16 defendant Nosal's and the defendant Christian's alleged participation in a conspiracy (1) to gain
17 unauthorized access and exceed authorized access to the computer systems of Korn/Ferry
18 International; (2) to traffic in a Korn/Ferry International password; and (3) to misappropriate,
19 receive, possess, and transmit trade secrets belonging to Korn/Ferry. The Nosal/Christian
20 Indictment also contains substantive unauthorized computer access charges, substantive trade
21 secret charges, and conspiracy and substantive charges relating to mail fraud. Some of the overt
22 acts alleged in the Informations in case CR 07-0337 MHP and CR 07-0568 MHP are the same as
23 those alleged in the Indictment in case CR 08-0237 JSW.

24 Based upon these facts, the cases are related within the meaning of Local Rule 8-1(b)(1)
25 because they involve the same alleged events and occurrences. Furthermore, the cases are related
26 within the meaning of Local Rule 8-1(b)(2) because, if heard by separate judges, they are likely
27 to entail substantial duplication of labor by the two judges or may create unnecessary expenses.
28 This is true, at least in part, because the both Froehlich-L'Heureaux and Jacobson may testify in

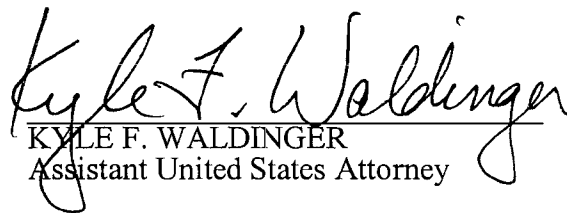
1 any trial in the newly filed case. Moreover, the issue of loss amount may be contested in each of
2 the cases. The Court's resolution of the loss-amount issue in one case will likely be relevant (or
3 even dispositive) of that issue in the other cases.

4 Per the requirement of Local Criminal Rule 8-1(c)(4), government counsel states that
5 assignment of these cases to a single judge is likely to conserve judicial resources and promote an
6 efficient determination of each action.

7 DATED: April 14, 2008

Respectfully submitted,

8 BRIAN J. STRETCH
9 Acting United States Attorney

10 
11 KYLE F. WALDINGER
12 Assistant United States Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

NOTICE OF RELATED CASE IN A CRIMINAL ACTION

in the case of **UNITED STATES v. JACQUELINE FROELICH-L'HEUREAUX, CR 07-0337 MHP** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

Steve Bauer
Latham & Watkins
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Fax: 415-395-8095

Thomas F. Carlucci
Foley & Lardner LLP
One Maritime Plaza, Suite 600
San Francisco, CA 94111
Fax: 415-434-4507

Steven F. Gruel, Esq.
Law Office of Steven F. Gruel
655 Montgomery Street, Suite 1700
San Francisco, CA 94111
Fax: 415-576-1442

Leland (Lee) Altschuler, Esq.
407 Sherman Avenue, Suite 200
Palo Alto, CA 94306
Fax: 650-327-9151

____ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.


X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 14, 2008

/s/ 
RAWATY YIM
United States Attorney's Office